

REMARKS

The Examiner's Final Action mailed March 8, 2004 has been given careful consideration by the applicants. Claims 1-20 remain in the application. The Examiner's allowance of claims 1-19 is acknowledged and appreciated. Reconsideration and reexamination of claim 20 of the application is hereby respectfully requested.

The Office Action

The Examiner allowed claims 1-19.

The Examiner rejected claim 20 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,809,395 to Hamilton-Piercy in view of U.S. Patent No. 5,675,629 to Raffel.

Claim 20 Patentably Distinguishes Over The Cited Patents

The Examiner rejected claims 20 as being obvious in view of the combination of Hamilton-Piercy and Raffel. However, it is submitted that no combination of these patents renders the claims obvious.

First, as previously submitted, the references are not combinable. Hamilton-Piercy relates to a system involving portions of a cable network and portions of a cellular network while Raffel involves a system integrating a public switched telephone network (PSTN) and the cellular network. These two patents address different problems and different issues raised by a combination of different network technology. Hamilton-Piercy desires to make effective use of a cable network in association with wireless communication. Raffel is directed to allowing a user to use a single phone as a mobile phone and a residential landline phone. There is no teaching or suggestion in Raffel to utilize existing cable networks seamlessly with wireless networks for the purpose of allowing users to use a single mobile phone everywhere. Thus, the applicants submit that there is no teaching that would allow the combination of Raffel, or an alteration of Raffel, with Hamilton-Piercy. Therefore, it is submitted that the combination of these references is inappropriate and the Examiner is respectfully requested to reconsider this combination.

Even if the references were somehow combinable, there is no fair combination of these references that results in a personal base station that is claimed and disclosed in the present application. The personal base station as used with the claimed hand set and claimed database structure within the network, are simply not taught by these

references or any combination thereof. Specifically, the combination of references do not teach a personal base station and other components of the system that allow for the user to selectively communicate through the cable and/or wireless networks. Combining the teachings of these patents would merely result in a system described in Raffel using a wireless phone that could also connect to a cable communication network through a public base station. There is also no fair teaching asserted by the Examiner relating to the system giving priority to selection of communication through the cable communication network via a personal base station as recited in claim 20. Therefore, independent claim 20 is submitted to be allowable and the Examiner is respectfully requested to reconsider his rejection and the assertions in support thereof.

September 8, 2004 Telephone Interview

The Examiner's willingness to conduct an interview on September 8, 2004 is acknowledged and appreciated by the applicants. During that interview, the applicants explained to the Examiner the proposed amendment to claim 20. The cited art, the present invention and allowed claim 1 were also briefly discussed.

The Examiner indicated that a response including such an amendment would be favorably considered upon further examination.

CONCLUSION

In view of the foregoing amendments and comments, claims 1-20 are submitted to be in condition for allowance. Early notification of such allowance is hereby respectfully requested.

Respectfully submitted,

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September 8, 2004
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